



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

**999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466**

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

MAR 20 2006

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Carbon County Commissioners
c/o Artlin "Art" Zeigler
P.O. Box 6
415 West Pine St
Rawlins, WY 82301

Re: Notice of Safe Drinking Water Act
Enforcement Action against Town of
Encampment
PWS ID#5600060

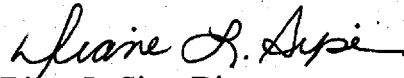
Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Amended Administrative Order is being issued under Section 1414 of the SDWA to the Town of Encampment, Encampment, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The Order has been amended to include additional violations and interim measures have been added to insure compliance with turbidity limits until system modifications can be completed. The system is in violation of 40 C.F.R. §§ 141.132(b)(1), 141.134(a) and (b), 141.132(d), 141.35(a)(1), 141.560 and 141.562, 141.551(a), 141.530-536, 141.570 and 141.75(b), 141.24(f)(11), 141.87, 141.88, 141.85, 141.81(e), 141.201 and 141.31(b) for: failure to monitor the water for disinfection byproducts; failure to report appropriate information for disinfection byproduct precursors; failure to monitor the water for disinfection byproduct precursors; inadequate disinfection byproduct precursor removal; failure to continuously monitor and record the individual or combined filter effluent; failure to meet turbidity limits; failure to conduct a disinfection profile; failure to submit turbidity and chlorine residual reports timely; failure to monitor the water for volatile organic contaminants; failure to monitor water quality parameters; failure to monitor the source water for lead and copper; failure to provide public education for lead action level exceedance; failure to recommend treatment for corrosion control; failure to notify the public of two violations; and failure to report violations to EPA.

A copy of the Amended Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300

DENVER, COLORADO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

MAR 20 2006

Ref: 8ENF-W

CERTIFIED LETTER
RETURN RECEIPT REQUESTED

Honorable Jim McKinney, Mayor
Town of Encampment
P.O. Box 5
Encampment, Wyoming 82325

Bill Craig, Operator
Town of Encampment
P.O. Box 5
Encampment, Wyoming 82325

Re: Amended Administrative Order
Docket No. SDWA-08-2005-0026
PWS ID #WY5600060

Dear Mayor McKinney and Mr. Craig:

Enclosed you will find an Amended Administrative Order (Order) which amends the Administrative Order, Docket # SDWA-08-2005-0026, issued June 13, 2005. The Order has been amended to include additional violations and interim measures have been added related to turbidity limits until system modifications can be completed. Specifically the added violations are: additional failure to continuously monitor and record turbidity of filter effluent (for which the System installed equipment in August 2005), inadequate disinfection byproduct precursor removal, exceeding the filter effluent turbidity level (plans submitted to address, but currently insufficient), failure to conduct a disinfection profile in 2004, and failure to take action after exceeding the lead action level (these actions include failure to monitor water quality parameters and source water, failure to provide public education and failure to recommend corrosion control treatment).

Among other things, the Order finds that the Town of Encampment is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.132(b)(1), 141.134(a) and (b), 141.132(d), 141.135(a)(1), 141.560 and 141.562, 141.551(a), 141.530-536, 141.570 and 141.75(b), 141.24(f)(11), 141.87, 141.88, 141.85, 141.81(e), 141.201 and 141.31(b) for: failure to monitor the water for disinfection byproducts; failure to report appropriate information for disinfection byproduct precursors; failure to monitor the water for disinfection byproduct precursors; inadequate disinfection byproduct precursor removal; failure to continuously monitor and record



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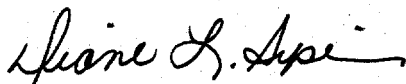
the individual or combined filter effluent; failure to meet turbidity limits; failure to conduct a disinfection profile; failure to submit turbidity and chlorine residual reports timely; failure to monitor the water for volatile organic contaminants; failure to monitor water quality parameters; failure to monitor the source water for lead and copper; failure to provide public education for lead action level exceedance; failure to recommend treatment for corrosion control; failure to notify the public of two violations; and failure to report violations to EPA.

If the Town complies with the enclosed Order for a period of at least twelve months after plans required in the Order are completed, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Please note that the effective date of the enclosed amended Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Kathelene Brainich at the address on the letterhead, including the mailcode 8ENF-W, or you may call Ms. Brainich at (800) 227-8917, extension 6481, or (303) 312-6481. If you wish to have an informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney or have legal questions, please feel free to ask your attorney to call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Wyoming DEQ (via email)
Wyoming DOH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)

Town of Encampment)
Encampment, Wyoming)

Respondent)

Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))

2006 MAR 20 AM 9:05

FILED
EPA REGION VIII
HEARING CLERK

AMENDED
ADMINISTRATIVE ORDER

Docket No. SDWA-08-2005-0026

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The Town of Encampment (Respondent) is a municipality and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Town of Encampment Water System (the "System"), located in Carbon County, Wyoming for the provision to the public of piped water for human consumption.
3. The System regularly serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C.

§ 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.

5. According to a September 2003 sanitary survey by an agent for EPA, the System is supplied by a surface water source, specifically the North Fork of the Encampment River, which is treated using conventional filtration technologies. The system serves approximately 450 persons per year through 341 service connections and is operational year-round.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.132(b)(1) requires each public water system served by a surface water source providing water to fewer than 500 persons to collect one set of total trihalomethane (TTHM) and haloacetic acids (HAA5) samples per treatment plant per quarter if annual monitoring results were greater than the respective maximum contaminant level (MCL) as stated in 40 C.F.R. § 141.64.
2. 40 C.F.R. § 141.64 defines the MCLs for TTHM and HAA5 to be 0.080 milligrams per liter (mg/L) and 0.060 mg/L, respectively.
3. Respondent's annual disinfection byproduct monitoring results dated August 30, 2004 showed TTHM concentrations at 0.086 mg/L, which exceed the MCL as stated in 40 C.F.R. § 141.64. Respondent, therefore, has been required to increase monitoring by collecting a set of TTHM/HAA5 samples every quarter until the annual average of the results meets criteria set forth in 40 C.F.R.



§ 141.132(b)(1)(iv) for returning to annual monitoring. Respondent failed to monitor its water for TTHM/HAA5 in the 4th (October - December) Quarter 2004 and 1st (January – March) Quarter 2005, in violation of 40 C.F.R. §§ 141.132(b)(1).

II.

1. 40 C.F.R. §§ 141.134(a) and (b) require systems to report specified information for disinfection byproducts (DBP) sampling (e.g., the number of samples taken during the last year; locations, date, and results of samples taken; the arithmetic average of all samples taken in the last year, and whether the MCL was violated) to EPA within 10 days after the end of the monitoring period.
2. Information for disinfection byproduct samples collected August 30, 2004 was submitted to EPA on March 7, 2005. Respondent failed to report the 2004 disinfection byproduct sampling information to EPA within 10 days after the end of the monitoring period, in violation of 40 C.F.R. §§ 141.134(a) and (b).

III.

1. 40 C.F.R. § 141.132(d) requires surface water systems using conventional filtration treatment to monitor for disinfection byproduct precursors (DBPP), including “paired samples” of total organic carbon (TOC) in source water and treated water, and alkalinity samples in the source water. Specifically, a system must collect one pair of TOC samples and one source water alkalinity sample per month per plant.



2. Respondent failed to monitor the System's water for disinfection byproduct precursors during the months of January, February, March, April, May, June, July, August, September, October, November and December 2004, January 2005, and raw water alkalinity in February 2005, in violation of 40 C.F.R. § 141.132(d).

IV.

1. 40 C.F.R. § 141.135(a)(1) requires surface water systems using conventional filtration treatment to operate with enhanced coagulation or enhanced softening to achieve the TOC percentage reduction levels specified in 40 C.F.R. § 141.135(b)(2) between the source water and the combined filter effluent, unless the system can meet at least one of the alternative compliance criteria listed in 40 C.F.R. § 141.135(a)(2) or 40 C.F.R. § 141.135(a)(3).
2. 40 C.F.R. § 141.135(c) requires surface water systems using conventional filtration treatment, other than those identified to meet the requirements of 40 C.F.R. § 141.135(a)(2) or 40 C.F.R. § 141.135(a)(3), to determine enhanced coagulation quarterly compliance by calculating the running annual average of TOC reduction ratio beginning after the system has collected 12 months of data.
3. 40 C.F.R. § 141.135(c)(1)(v) requires the running annual average for TOC reduction ratio be at least 1.00.
4. Respondent failed to meet at least one of the alternative compliance criteria listed in 40 C.F.R. § 141.135(a)(2) or 40 C.F.R. § 141.135(a)(3), and the System's running annual average for TOC reduction ratio for the period of January through December 2005 is less than 1.00, in violation of 40 C.F.R. § 141.135(a)(1).



V.

1. 40 C.F.R. § 141.560 requires surface water systems serving fewer than 10,000 people and utilizing conventional or direct filtration to conduct continuous monitoring of turbidity for each individual filter at the system; results of turbidity monitoring must be recorded at least every 15 minutes. 40 C.F.R. § 141.562 allows a system consisting of two or fewer filters to continuously monitor combined, instead of individual, filter effluent turbidity. The continuous monitoring of the combined effluent turbidity must be recorded at least every 15 minutes.
2. Respondent failed to continuously monitor and record every 15 minutes the turbidity of either of the two individual filters or the combined filter effluent at the system for January, February, March, April, May, June, July and a portion of August 2005, in violation of 40 C.F.R. §§ 141.560 and 141.562.

VI.

1. 40 C.F.R. § 141.551(a) requires that the combined filter effluent turbidity of the finished water from the plant for surface water systems serving fewer than 10,000 people and utilizing conventional filtration or direct filtration be less than or equal to 0.3 NTU in at least 95 percent of the month's measurements.
2. Testing of the Respondent's public water system showed that the turbidity combined filter effluent did not meet the 95 percentile level during May, June, July, September, October and November 2005, in violation of 40 C.F.R. § 141.551(a).



VII.

1. 40 C.F.R. §§ 141.530-536 require community systems and non-transient, non-community water systems supplied by surface water or ground water under the direct influence of surface water and serving fewer than 500 persons to collect data to develop a disinfection profile beginning January 1, 2004, or submit disinfection byproducts data to EPA so that EPA can determine that a disinfection profile is unnecessary.
2. Respondent failed to conduct a disinfection profile in 2004 or submit data to EPA to allow a determination that disinfection profiling was unnecessary, in violation of 40 C.F.R. §§ 141.530-536.

VIII.

1. 40 C.F.R. §§ 141.570 and 141.75(b) require any public water system that uses surface water or groundwater under the direct influence of surface water and that provides filtration treatment to report certain residual disinfectant and turbidity information to EPA monthly, within 10 days after the end of each month that the system serves water to the public.
2. Respondent failed to submit the December 2004 and January 2005 residual disinfectant concentration and turbidity monitoring reports within 10 days of the end of the monitoring period, in violation of 40 C.F.R. § 141.570. The information was submitted February 14, 2005 and February 28, 2005, respectively, which is after the required deadline.



IX.

1. 40 C.F.R. § 141.24(f)(11) requires that community and non-transient, non-community water systems monitor their water quarterly for volatile organic contaminants (VOCs) if any sample result is greater than the minimum detection level. The purpose of this monitoring is to determine if the level of VOCs in the water is reliably and consistently below the MCLs for VOCs as stated in 40 C.F.R. § 141.61.
2. 40 C.F.R. § 141.24(f)(7) defines the detection level for any volatile organic contaminant as any result greater than or equal to 0.0005 mg/l; this is termed the minimum detection level (MDL).
3. Respondent's volatile organic contaminant monitoring results dated August 30, 2004 were greater than the MDL for carbon tetrachloride as stated in 40 C.F.R. § 141.24(f)(7). Respondent, therefore, was required to monitor quarterly for carbon tetrachloride to determine whether the occurrence of this contaminant is reliably and consistently below the MCL as stated in 40 C.F.R. § 141.61. Respondent failed to monitor the water for carbon tetrachloride in the 4th (October - December) Quarter 2004 and 1st (January – March) Quarter 2005, in violation of 40 C.F.R. § 141.24(f)(11).

X.

1. 40 C.F.R. § 141.87 requires systems that exceed the lead or copper action level to monitor water quality parameters during subsequent six-month monitoring periods.



2. Respondent failed to monitor for water quality parameters (WQP) during the period of January-June 2005 after samples taken September 2004 exceeded the action level for lead, in violation of 40 C.F.R. § 141.87.

XI.

1. 40 C.F.R. § 141.88 requires systems that exceed the lead or copper action level to collect lead and copper source water samples within six months after the exceedance.
2. Respondent failed to monitor the source water for lead and copper by April 2005 after samples taken September 2004 (analyzed October 27, 2004) exceeded the action level for lead, in violation of 40 C.F.R. § 141.88.

XII.

1. 40 C.F.R. § 141.85 requires systems that exceed the lead action level to provide public education to their water users within 60 days of the exceedance.
2. Respondent failed to provide public education by December 28, 2004 after samples taken September 2004 (analyzed October 27, 2005) exceeded the action level for lead, in violation of 40 C.F.R. § 141.85.

XIII.

1. 40 C.F.R. § 141.81(e) requires community public water systems that exceed the lead or copper action level to recommend treatment for corrosion control within six months of exceeding the lead or copper action level.
2. Respondent failed to recommended treatment for corrosion control by April 2005 after monitoring results exceeded the lead action level for samples taken



September 2004 (analyzed October 27, 2005), in violation of 40 C.F.R. § 141.81(e).

XIV.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique ("TT"), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the violations detailed in the preceding Sections VII and XII, in violation of 40 C.F.R. § 141.201. Public notice was completed for the September 2005 violation detailed in the preceding Section V, but was not certified. Public notice for the other violations in this Order have been completed (Section II violations, Section III 2004 violations, Section V January and February 05 violations, Section VI May-July 2005 violations, Section VIII, Section IX 2004 violations) or are not yet past due.

XV.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Sections I through XIV above, in violation of 40 C.F.R. § 141.31(b).



ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS

ORDERED:

1. Within 30 days of the effective date of this Order, and per the regulation thereafter, Respondent shall comply with the requirement of 40 C.F.R. § 141.132(b)(1) to perform quarterly monitoring for TTHM/HAA5. Respondent shall collect one set of TTHM/HAA5 samples per treatment plant per quarter for at least four consecutive quarters to determine compliance with the MCLs for TTHM and HAA5 as stated in 40 C.F.R. § 141.64. Only if the annual average of four consecutive quarterly samples is less than or equal to 0.060 mg/L for TTHM and 0.045 mg/L for HAA5, may Respondent return to annual monitoring as stated in 40 C.F.R. § 141.132(b)(1)(iv), otherwise monitoring must continue quarterly.
2. Upon the effective date of this Order, Respondent shall report all specified DBP information and analytical results to EPA within the first 10 days of the end of each monitoring period, as required by 40 C.F.R. § 141.134(a) and (b).
3. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.132(d) to perform monthly monitoring for disinfection byproduct precursors. Each month Respondent shall collect one source water sample to be analyzed for alkalinity and collect a pair of samples (one from the source water and one from the treated water) to be analyzed for total organic carbon.



4. During 2006, Respondent shall meet at least one of the alternative compliance criteria listed in 40 C.F.R. § 141.135(a)(2) or 40 C.F.R. § 141.135(a)(3), or the System's running annual average for TOC reduction ratio must be at least 1.00 to return to compliance with 40 C.F.R. § 141.135(a)(1).
5. Upon the effective date of this Order, Respondent shall comply with individual filter effluent monitoring and recording requirements and/or combined filter effluent monitoring and recording requirements as set forth in 40 C.F.R. §§ 141.560 and 141.562. Respondent shall conduct continuous monitoring as follows:
 - a) Monitoring must be conducted using an approved method in 40 C.F.R. § 141.74(a);
 - b) Calibration of turbidimeters must be conducted using procedures specified by the manufacturer;
 - c) Results of turbidity monitoring must be recorded at least every 15 minutes;
 - d) Monthly reporting must be completed according to 40 C.F.R. § 141.570; and
 - e) Records must be maintained according to 40 C.F.R. § 141.571.
6. On September 27, 2005 Respondent submitted plans for bringing the public water system into consistent compliance with effluent turbidity limits as defined in 40 C.F.R. § 141.551(a), pursuant to Section 6 of the Order section of Administrative Order, Docket No. SDWA-08-2005-0026, issued June 13, 2005. EPA commented on the plans in an email to Respondents dated



November 22, 2005 and formally disapproved the plans by letter dated December 22, 2005. Respondent submitted amended plans to EPA February 20, 2006 and EPA provided additional comments on these plans via email March 7, 2006. Respondent must submit a final revised plan to EPA within 15 days of the date of this Order. The revised plans must include a response to each deficiency/question outlined in the disapproval letter, proposed system modifications, estimated costs of modifications, a schedule for construction of the project as well as specific milestone dates, and a final completion date and compliance with 40 C.F.R. § 141.551(a) of no later than June 14, 2006 (1 year after issuance of the June 13, 2005 Order). The plans must be approved by EPA and WY DEQ before construction can commence.

7. The schedule for construction and completion referenced in paragraph 6 above will be incorporated into this Order upon written approval by EPA.
8. Respondent shall submit to EPA monthly reports on the progress made toward bringing Respondent's system into consistent compliance with effluent turbidity limits as defined in 40 C.F.R. § 141.551. Respondent shall submit each report to EPA within 10 days of the end of each month. The first report shall be due to EPA April 10, 2006.
9. Within 30 days of the effective date of this Order, Respondent shall comply with the following interim compliance measures until the plans/modifications identified in paragraph 6 above have been approved by EPA and fully implemented by Respondent:



- a) as conducted per paragraph 10 below, submit a quarterly (cumulative) disinfection profile of weekly log inactivations to EPA;
- b) maintain daily records of raw water turbidity (NTU) (along with finished water turbidity), raw water alkalinity and any daily changes to soda ash or other adjustment chemicals, or coagulant dosages. The records must annotate daily any operating problems and be submitted to EPA monthly with the individual/combined filter effluent monitoring required in paragraph 5 above.

Upon completion of the modification outlined in the plans submitted in accordance with paragraph 6 above, Respondent must comply with the effluent turbidity limits as defined at 40 C.F.R. § 141.551(a).

10. Upon the effective date of this Order, Respondent shall sample to develop a disinfection profile in accordance with 40 C.F.R. §§ 141.530-536. Respondent shall collect data for the parameters listed below once per week on the same calendar day over the course of 12 consecutive months, use this data to calculate weekly log inactivation and use the weekly log inactivations to develop a disinfection profile. Respondent shall monitor the following parameters to determine total log inactivation:

- a) temperature of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;
- b) the pH of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;
- c) the disinfectant contact time(s) during peak hourly flow; and



- d) residual disinfectant concentration(s) of the water before or at the first customer and prior to each additional point of disinfection during peak hourly flow.
11. Upon the effective date of this Order, Respondent shall submit residual disinfectant and turbidity reports to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. §§ 141.570 and 141.75(b).
12. Within 30 days of the effective date of this Order, and per the regulation thereafter, Respondent shall comply with 40 C.F.R. § 141.24(f)(11) by conducting quarterly monitoring for volatile organic contaminants. The Respondent must monitor quarterly at each sampling point which resulted in a detection and must continue until EPA notifies the System in writing that levels are reliably and consistently below the MCL and specifies different monitoring requirements for the System.
13. Upon the effective date of this Order, Respondent shall comply with all the requirements for water quality parameter (WQP) monitoring and reporting as specified in 40 C.F.R. §§ 141.87, 141.89, and 141.90 and for source water monitoring and reporting as specified in 40 C.F.R. §§ 141.88, 141.89, and 141.90. Respondent shall report results to EPA within 10 days of receiving the results. Respondent shall:
- a) Collect 2 tap samples at 1 site that are representative of water quality throughout the distribution system in accordance with 40 C.F.R. §§ 141.87(a)(1)(i) and



141.87(a)(2)(i). Respondent may collect WQPs at the same locations as those used for coliform sampling under 40 C.F.R. § 141.21.

b) Collect 2 samples for each applicable WQP at each entry point(s) to the distribution system that are representative of water quality throughout the distribution system in accordance with 40 C.F.R. § 141.87(a)(1)(ii) and § 141.87(a)(2)(ii). The applicable WQPs are specified in 40 C.F.R. § 141.87(b) and are:

- i. pH
- ii. alkalinity
- iii. orthophosphate (when an inhibitor containing a phosphate compound is used)
- iv. silica (when an inhibitor containing a silicate compound is used)
- v. calcium
- vi. conductivity, and
- vii. water temperature

c) Collect one source water sample for lead and copper analysis from each entry point to the distribution system, in accordance with 40 C.F.R. §§ 141.88(a) and (b).

d) Have samples analyzed by an EPA-certified laboratory, in accordance with 40 C.F.R. § 141.89.

14. Within 30 days of the effective date of this Order, Respondent shall deliver a public education program in accordance with 40 C.F.R. § 141.85. Specifically,



Respondent shall (a) insert notices in each customer's water utility bill or separate mailing containing the information at 40 C.F.R. § 141.85(a)(1) along with an alert on the water bill itself in large print: "SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED INFORMATION FOR FURTHER INFORMATION";

(b) submit the information required at 40 C.F.R. § 141.85(a)(1) to the editorial department of the local major daily and weekly newspapers; (c) deliver pamphlets and/or brochures that contain the public education materials at 40 C.F.R.

§ 141.85(a)(1)(ii) and (iv) to facilities and organizations (public schools, health departments, Head Start Programs, hospitals/clinics, pediatricians, family planning clinics and local welfare agencies); and (d) submit the public service announcement at 40 C.F.R. § 141.85(b) to at least five of the radio and television stations with the largest audiences that broadcast to the community served by the water system. The preceding items (a), (b), and (c) shall be repeated every twelve months and item (d) every six months for as long as the system exceeds the lead action level. Within 45 days of the effective date of this Order, Respondent shall submit evidence of completion of the initial public education program to EPA (i.e., copies of: the water utility bill and inserted notice, newspaper editorial, pamphlet/brochure and listing of who it was delivered to, and the radio/TV public service announcement and who it was sent to.



15. Within 30 days of the effective date of this Order, Respondent shall provide optimal corrosion control and source water treatment recommendations to EPA. Within 45 days of obtaining EPA's approval of the treatment recommendations, Respondent shall have optimal corrosion control and, if applicable, source water treatment installed (this roughly coincides with the June 14, 2006 date to complete plans to meet effluent turbidity limits in paragraph 6 above). Within one week of completion, Respondent shall notify EPA in writing that corrosion control has been completed.
16. After installation of optimal corrosion control treatment as outlined in paragraph 15 above, Respondent shall collect 10 tap samples during the two consecutive 6-month monitoring periods of January-June 2006 and July-December 2006, in accordance with 40 C.F.R. Part I. Respondent shall report the results of the tap water monitoring to EPA for lead and copper within 10 days following the end of each monitoring period, in accordance with 40 C.F.R. § 141.90(a). The System must also continue WQP monitoring during these periods as follows: a) two samples must be collected at one site in the distribution system during each 6-month monitoring period AND 2) one sample must be collected at each entry point to the distribution system every two weeks. Respondent shall submit monitoring results to EPA within 10 days of receiving the results.
17. No later than July 1, 2006, Respondent must provide public notice of all of the 2005 violations specified in Sections I, III, IV, V, VI, VIII, IX, X, XI, and XIII and the 2004 violations in Sections VII and XII of the Findings of Violation



section of this Order **OR** Respondent may use an annual report detailing all violations and situations that occurred in the last 12 months covered by the report, to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. The Respondent must repeat the notice annually for as long as the monitoring violation, variance, exemption, or other situation persists: every three months for treatment technique and MCL violations. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days. Respondent may use the Consumer Confidence Report ("CCR") to provide public notice as long as (1) the CCR is provided to persons served no later than 12 months after the System learns of the violation or situation; (2) The public notice contained in the CCR follows the content requirements under 40 C.F.R. § 141.205; AND (3) the CCR is distributed following the delivery requirements under 40 C.F.R. § 141.204(c). Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR



violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

18. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
19. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-MS)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

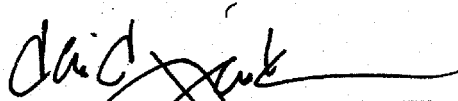
GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(A) and (C) of the Act, 42 U.S.C. § 300g-3(g)(3)(A) and (C).
3. Violation of any requirement of the SDWA or its implementing regulations, may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

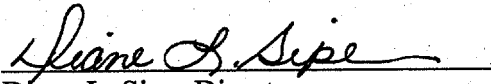


4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 30th day of march, 2006.



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

